

Notice of Allowability

Application No.

10/527,822

Examiner

SON P. HUYNH

Applicant(s)

KUROSAKI ET AL.

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/11.
2. ☒ The allowed claim(s) is/are 1,2-24, 29-35 that have been renumbered as 1-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/1/2011</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/Son P Huynh/
Primary Examiner, Art Unit 2424

February 1, 2011

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/05/2011 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Jason Perilla, on January 29, 2011 and February 1st 2011.

3. The application has been amended as follows:

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Claim 1 (Currently Amended): A data processing apparatus that performs data processing to generate an EPG (Electronic Program Guide) to be displayed on a display, comprising:

means for acquiring program guide data that gives guidance on programs;

means for acquiring statistical data including data indicating scheduling of recordings of a plurality of programs and data indicating viewing of the recordings of the programs, the data indicating scheduling of recordings including data indicating a number of scheduled recordings of each of the programs for each of a plurality of broadcast time zones of the program;

means for averaging, for each of the programs, the data indicating scheduling of recordings based upon a sum of the number of scheduled recordings of the program divided by a number of broadcast time zones of the program, to obtain an average scheduling count of the program; [[and]]

means for generating an EPG including a statistical data layer superimposed upon a program guide data layer as a two-dimensional grid guide format, the statistical data layer including, respective to a programming box for each of the plurality of broadcast time zones of each of the programs, simultaneous display of an indicator of the average scheduling count of the program and an indicator of the data indicating viewing of the recordings of the program; and

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means for displaying, on the display, the EPG including the statistical data layer superimposed upon the program guide data layer as a two-dimensional grid guide format.

Claim 22 (Currently Amended): A data processing method of performing data processing to generate an EPG (Electronic Program Guide) to be displayed on a display, comprising:

acquiring program guide data that gives guidance on programs;

acquiring, by an information processing unit of a data processing apparatus, statistical data including data indicating scheduling of recordings of a plurality of programs and data indicating viewing of the recordings of the programs, the data indicating scheduling of recordings including data indicating a number of scheduled recordings of each of the programs for each of a plurality of broadcast time zones of the program;

averaging, for each of the programs, the data indicating scheduling of recordings based upon a sum of the number of scheduled recordings of the program divided by a number of broadcast time zones of the program, to obtain an average scheduling count of the program; [[and]]

generating an EPG including a statistical data layer superimposed upon a program guide data layer as a two-dimensional grid guide format, the statistical data layer including, respective to a programming box for each of the plurality of broadcast time zones of each of the programs, simultaneous display of an indicator of the average

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scheduling count of the program and an indicator of the data indicating viewing of the recordings of the program; and

displaying, on the display, the EPG including the statistical data layer superimposed upon the program guide data layer as a two-dimensional grid guide format.

Claim 23 (Currently Amended): A non-transitory computer readable storage medium encoded with computer program instructions that, when executed by a processor of a computer, cause the computer to perform data processing to generate an EPG (Electronic Program Guide) that is displayed on display means displaying information, comprising:

acquiring program guide data that gives guidance on programs;

acquiring statistical data including data indicating scheduling of recordings of a plurality of programs and data indicating viewing of the recordings of the programs, the data indicating scheduling of recordings including data indicating a number of scheduled recordings of each of the programs for each of a plurality of broadcast time zones of the program;

averaging, for each of the programs, the data indicating scheduling of recordings based upon a sum of the number of scheduled recordings of the program divided by a number of broadcast time zones of the program, to obtain an average scheduling count of the program; [[and]]

generating an EPG including a statistical data layer superimposed upon a program guide data layer as a two-dimensional grid guide format, the statistical data layer

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including, respective to a programming box for each of the plurality of broadcast time zones of each of the programs, simultaneous display of an indicator of the average scheduling count of the program and an indicator of the data indicating viewing of the recordings of the program; and

displaying, on the display, the EPG including the statistical data layer superimposed upon the program guide data layer as a two-dimensional grid guide format.

Claim 24 (Currently Amended): A data processing system including:

a server for transmitting information; and

a user terminal for receiving information from said server, wherein

either said server or said user terminal includes

means for acquiring program guide data that gives guidance on programs;

means for acquiring statistical data including data indicating scheduling of recordings of a plurality of programs and data indicating viewing of the recordings of the programs, the data indicating scheduling of recordings including data indicating a number of scheduled recordings of each of the programs for each of a plurality of broadcast time zones of the program;

means for averaging, for each of the programs, the data indicating scheduling of recordings based upon a sum of the number of scheduled recordings of the program divided by a number of broadcast time zones of the program, to obtain an average scheduling count of the program; [[and]]

means for generating an EPG including a statistical data layer superimposed upon a program guide data layer as a two-dimensional grid guide format, the statistical data layer including, respective to a programming box for each of the plurality of broadcast time zones of each of the programs, simultaneous display of an indicator of the average scheduling count of the program and an indicator of the data indicating viewing of the recordings of the program; and

means for displaying, on the display, the EPG including the statistical data layer superimposed upon the program guide data layer as a two-dimensional grid guide format.

Claim 29 (Currently Amended): A data processing apparatus that performs data processing to generate an EPG (Electronic Program Guide) to be displayed on a display, comprising:

an information aggregation unit that configured ~~[[to]]~~ aggregates program guide data that gives guidance on programs, and acquires ~~to acquire~~ statistical data including data indicating scheduling of recordings of a plurality of programs and data indicating viewing of the recordings of the programs, the data indicating scheduling of recordings including data indicating a number of scheduled recordings of each of the programs for each of a plurality of broadcast time zones of the program; ~~[[and]]~~

a guide page creation unit that configured averages ~~to average~~, for each of the programs, the data indicating scheduling of recordings based upon a sum of the number of scheduled recordings of the program divided by a number of broadcast time zones of

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the program, to obtain an average scheduling count of the program, and generates to generate an EPG including a statistical data layer superimposed upon a program guide data layer as a two-dimensional grid guide format, the statistical data layer including, respective to a programming box for each of the plurality of broadcast time zones of each of the programs, simultaneous display of an indicator of the average scheduling count of the program and an indicator of the data indicating viewing of the recordings of the program; and

a display unit that displays, on the display, the EPG including the statistical data layer superimposed upon the program guide data layer as a two-dimensional grid guide format.

Allowable Subject Matter

4. Claims 1, 3-24, 29-35 are allowed in view of the amendments and Applicant's remarks filed 01/05/2011, pages 16-18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

February 1, 2011